

Engineer to rescind a certain contract therein named. Read 1st and 2nd times and referred to committee on Internal Improvements.

Mr. Parsons, by leave, introduced a bill to create the 21st judicial district, and to regulate the time of holding courts therein. Read 1st and 2nd times and referred to Judiciary committee.

The report of committee on Public Lands, on a bill to provide for the sale of the reservation of land ceded to the United States for Indian purposes, was on motion of Mr. Walker, laid on the table.

The report of the committee on State Affairs, on the petition of Wiley S. Tersell recommending its rejection, was read and adopted.

The report of the committee on Public Debt, on the memorial of Joshua P. Powers, recommending its rejection, was read and adopted.

The report of the Judiciary committee on a bill for the relief of a certain class of colonists or their assignees of Peters colony recommending a substitute, was read—substitute adopted and ordered to be engrossed.

On motion of Mr. Walker, the rule was suspended, bill read 3rd time and passed.

A bill to create the county of Marion. Read 2nd time, and on motion of Mr. Potter, laid on the table.

~~35~~ The amendment of the House to Senate's bill, to authorize the Commissioner of the General Land Office to issue patents upon surveys made not in the form required by law, was concurred in.

The report of the Judiciary committee on the petition of F. H. Dixon, was on motion of Mr. Potter, taken up, and petition referred to committee on Private Land Claims.

The report of Judiciary committee on the message of the Governor covering the report of attorney [general], was on motion of Mr. Potter, taken up and adopted.

On motion of Mr. Guinn, the Senate adjourned until 10 o'clock A. M., to-morrow.

TUESDAY, January 10, 1860.

Senate met pursuant to adjournment—prayer by the Rev. Mr. Baker—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Lott presented the petition of A. B. and Jesse Chism.—Referred to the committee on Private Land Claims.

Mr. Townes presented the petition of Mrs. Martha V. Strickling for relief. Referred to the committee on Indian Affairs.

A message was received from the House informing the Senate that the House had passed the following bills :

A bill for the relief of Lewis David, with an amendment.

A bill to amend article 791 of the Penal Code.

A bill making a further appropriation for furnishing the Governor's mansion.

A bill for the relief of James Jennings.

Mr. Pitts presented the petition of James Calk for land. Referred to the committee on the Court of Claims.

Mr. Erath, chairman of the committee on Indian Affairs, made the following report :

The committee on Indian Affairs, to whom was referred the application of Capt. John Williams and his officers for pay of services of the Ranging company under his command, and for subsistence of the same, have had the same under consideration, and find that the officers and men composing said company, rendered valuable services during the recent Indian aggressions, having repeatedly met the Indians or overtaken the same, recaptured stolen property and punished the offenders by defeat ; at all times having acted with promptness and bravery equal to any troops on the frontier, and the majority are of the opinion that said company ought to be paid for their services as well as other companies who have been provided for on the frontier. Your committee also find that the Captain and several of the officers and men have, in addition to their own services, expended funds for subsistence of the men, and in several instances, pledged themselves, and their own private property, for the payment of said accounts, as were necessary to maintain the said troops in field—for which patriotic disposition the said parties deserve the approbation of every citizen and the whole State ; and a majority of said committee are apprized that great injury must result to the private interests of Capt. Williams and several of his officers for having made themselves responsible personally for several amounts now due, which were for provisions and ammunition furnished by divers individuals to said company ; and therefore are of opinion that said accounts and expenses incurred on accounts held by any party furnishing such supplies ought to be paid by the State. On examination of said accounts of said officers, the committee find the expenses for supplies to amount to \$8,994, and the pay for services of officers and men to about

\$17,809. The majority of the committee have instructed me to report the accompanying bill providing payment of the same, and recommend its passage. Bill read 1st time.

Mr. Quinan, chairman of the committee on Education, to whom was referred the bill to incorporate Franklin College, reported the same back to the Senate with amendments, and recommended its passage.

Amend by striking out section 14 and changing the numbers of sections succeeding to 14 and 15.

Mr. Guinn, chairman of the committee on Claims and Accounts, made the following reports :

The committee on Claims and Accounts, to whom was referred a House bill to pay certain persons for arresting John T. Shanks, have considered it, and have instructed me to report the same back with the following amendments, and recommend the adoption of the amendments and the passage of the bill.

Amend the 8th line by striking out the word "five" and insert the word "two ;" in the 13th and 14th lines the words "one hundred and twenty-five" and insert the word "fifty."

The committee on Claims and Accounts, to whom was referred the petition of John M. Wyett, have had the same under consideration, and instruct me to report that they believe from the evidence before them, he is entitled to the sum of \$765,00. The petitioner was appointed by the Governor of the State to go to the State of Louisiana and demand of the Governor of that State a certain fugitive from justice, then lodged in the Shreveport jail. He took five men as a guard, and expended the sum of \$291,00, and was out thirty days, and four days of the time he had eight guards. The party they went after was a notorious desperado, and who was hung in Bastrop by the people. They think the claim just and reasonable, and ought to be paid. They recommend that it be referred to the committee on Finance, and ask that committee to place it on the General Appropriation Bill. The committee recommend the amount of \$765,00.

The committee on Claims and Accounts, to whom was referred the petition of Henry G. Hudson, asking for relief, have duly considered it, and the committee have instructed me to report that under the law and facts stated they can not grant him the relief sought. Although they find that it may be hard on the petitioner, but in governments hard cases frequently arise, and that this is one of those kind of cases.

Mr. Guinn, one of the committee on Private Land Claims, made the following report :

The committee on Private Land Claims, to whom was refer-

red a bill for the relief of Ewing Clayton have instructed me to report a substitute for the same and recommend its adoption and passage. - The applicant is the owner of a Bounty Warrant for 1280 acres issued to Noah Smithwick. The facts show that Clayton has been in possession of the land surveyed by virtue of the Warrant, since about 1838 or 1840. It seems that the Warrant was issued to Smithwick at an early day of the Republic, and that this was the 2nd Bounty Warrant that had issued to him for 1280 acres, and that since the issuance of the Bounty Warrant in question, he has had two more for the same amount issued to him, three by special acts of the Legislature. The committee think there is fraud somewhere in the case, and feel confident that Clayton has not committed. They are willing that patents should issue to him on the surveys made, by him paying \$80,00 and patent fees, and hope the Senate will pass the bill, from the fact the applicant is a poor man, and his all is at stake, his farm and home. Bill read 1st time.

Mr. Fall, chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed :

A bill to incorporate McKenzie Male and Female College.

A bill to amend an act to incorporate the Columbus, San Antonio and Rio Grande Railroad Company.

A bill to incorporate the Mystic Club at Woodville, Tyler county.

Mr. Grimes, chairman of the committee on Finance, made the following reports :

The committee on Finance have considered the bill granting a pension to Joseph E. Fields, and have instructed me to report amendments and recommend their adoption, and the passage of the bill. Mr. Field, it appears, was captured with Col. Fannin's command, and was saved from the general massacre of that command for the reason that his knowledge of medicine and surgery made him useful to the Mexican army. He also alleges that he was at the storming of Bexar in December, 1835, but does not apply for a pension on account of wounds received.

Amendments—Section 1st, line 3, strike out "two hundred" and insert "one hundred and twenty-five;" line 5, strike out "one hundred" and insert "sixty-two dollars and fifty cents."

The committee on Finance have considered the petition of sundry citizens of Lampasas county, praying that a pension be granted John S. Stump of said county. They allege that he was at the storming of Bexar in 1835, under Captain James G. Swisher. He then joined Capt. Hill's company and was in the battle of San Jacinto, and after the battle continued for some

time in the Ranging service ; and was also a member of Captain Caldwell's company in the expedition to Santa Fe, and was captured and carried a prisoner to Mexico. That he is now sixty-eight years of age, entirely blind, poor and helpless. Taking into consideration the situation and the services to the country rendered by the said John S. Stump, your committee have instructed me to offer the accompanying bill giving him a pension of one hundred and twenty-five dollars, annually, and recommend its passage. Read 1st time.

Mr. Potter, chairman of the committee on the Judiciary, to whom was referred the petition of A. H. Cook, praying relief in the matter of a judgment in favor of the State against him and others, and from the evidence before them the committee are satisfied the petitioner is entitled to the relief sought, and reported the accompanying bill and recommended its passage.

A bill for the relief of Truman B. Beck. William Custard, Abner Mathews and Abner H. Cook. Read 1st time.

Mr. Potter introduced a bill to regulate the fees of the General Land Office. Read 1st and 2nd times and referred to the committee on Public Lands.

Mr. Fall introduced a bill to authorize pre-emption settlers to float their claims in certain cases. Read 1st and 2nd times and referred to the committee on Public Lands.

ORDERS OF THE DAY.

A bill to regulate the election of Superintendent of the Penitentiary, upon the report of the committee on State Affairs, recommending its indefinite postponement, being the special order, was read.

Mr. Guinn moved to lay the report on the table, which was lost by the following vote :

YEAS—Messrs. Dickinson, Duggan, Erath, Fall, Guinn, Harman, Herbert, Lott, Parsons, Pitts, Quinan, Rainey and Walker—13.

NAYS—Messrs. Gentry, Grimes, Hart, Hyde, Martin, Rains, Scarborough, Schleicher, Shepard, Sims, Stockdale, Throckmorton, Townes, Wallace and Whaley—15.

The question then being on the adoption of the report, was taken and carried by the following vote :

YEAS—Messrs. Dickinson, Erath, Fall, Gentry, Grimes, Hart, Hyde, Martin, Rains, Scarborough, Schleicher, Shepard, Sims, Stockdale, Throckmorton, Townes, Wallace and Whaley—18.

NAYS—Messrs. Duggan, Guinn, Harman, Herbert, Lott, Parsons, Pitts, Quinan, Rainey and Walker—10.

The report of the committee on Private Land Claims, recom-

mending the passage of a bill for the relief of John Frederick, and bill, ordered to be engrossed.

The following message from the Governor was announced by the President as having been received on yesterday by the Secretary after the adjournment, to-wit :

EXECUTIVE DEPARTMENT, }
AUSTIN, TEXAS, January 9, 1860. }

Gentlemen of the Senate :

I herewith return to your honorable body a bill which originated therein, entitled an act supplementary to and amendatory of an act entitled an act to provide relief for pre-emption settlers and their assignees, under the act of 22nd January, 1845, the act of 7th February, 1853, and the act of the 12th February, 1854, and actual settlers in the Mississippi and Pacific Railroad Reservation.

The Executive in declining his assent to this bill would state that his objections are solely confined to the 2nd section of the act, which reads as follows :

"Section 2nd. That the Commissioner of the General Land Office is hereby required to issue patents to all assignees who are entitled to pre-emptions under the act of the 13th February, 1854, entitled an act donating 160 acres of land to settlers on the public domain, provided said assignees shall return to the General Land Office their pre-emption certificate proving that he or she and those under whom they claim, have resided on said pre-emption for three years, continuously, from the date of taking said pre-emption, and have otherwise complied with the act granting said donation."

Considering the misfortunes which have attended a large portion of our pre-emption settlers, arising from a failure on the part of Government to afford them protection from Indians and those acts of Providence which have deprived them of the benefits of good crops, I think they are justly entitled to relief; but that relief should be confined to those who have acquired pre-emption rights under the laws cited in the caption of this act. The second section extends the rights to individuals who have up to January 1, 1860, lived but two years on the public domain and allows them now to come in and perfect a pre-emption. Had the bill so confined the relief granted that only those who have completed their term of occupancy would be benefited, it would have met my approval. To allow persons who will on the 1st day of January, 1861, have resided on said pre-emption for three years continuously from the date of taking said pre-emption will not, in my opinion, be in accordance with the pre-emption laws

or sound policy. It will furnish room for fraud and misconstruction. The proof should be required that the residence of three years was prior to the expiration of the time provided by the acts under which the pre-emption was taken, and not prior to the 1st day of January, 1861. SAM HOUSTON.

Which was made the special order for Wednesday the 11th instant.

On motion of Mr. Schleicher a bill making an appropriation of ten thousand dollars, or so much thereof as may be necessary, to pay the expenses incurred by Capt. Tobin's company, was taken from the table and read 1st time. Rule suspended, read 2nd time.

Mr. Guinn offered a substitute, which was lost by the following vote:

YEAS—Messrs. Guinn, Hart, Lott, Quinan and Sims—5.

NAYS—Messrs. Chambers, Dickinson, Duggan, Erath, Fall, Gentry, Grimes, Harman, Herbert, Hyde, Martin, Parsons, Pitts, Potter, Rains, Rainey, Scarborough, Schleicher, Stockdale, Throckmorton, Townes, Walker, Wallace and Whaley—24.

Mr. Hart moved to refer the bill to the committee on Claims and Accounts, which was lost by the following vote:

YEAS—Messrs. Chambers, Dickinson, Duggan, Grimes, Hart, Lott, Martin, Parsons, Pitts, Rains, Sims, Walker and Wallace—13.

NAYS—Messrs. Erath, Fall, Gentry, Harman, Herbert, Hyde, Potter, Quinan, Rainey, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton and Townes—15.

Mr. Potter offered the following amendment: At the end of 1st section add, "at reasonable prices whether the same were incurred under express contract or otherwise."

Mr. Quinan offered the following to the amendment: "Nor shall any rations be allowed at a greater rate than fifty cents per day for man and horse."

Mr. Throckmorton moved to lay Mr. Quinan's amendment on the table, upon which Mr. Hart moved a call of the Senate, which was sustained.

Mr. Schleicher moved to excuse Messrs. Paschal and Britton, upon which Mr. Hart moved a call of the Senate. The President made a question of order for the consideration of the Senate, whether the call moved by Mr. Hart was in order. Upon discussion, Mr. Schleicher withdrew his motion.

Mr. Potter then moved to suspend the operation of the 25th rule of the Senate, upon which Mr. Guinn moved a call of the Senate.

Mr. Quinan made a question of order, whether Mr. Potter's motion was in order?

Mr. Stockdale made a question of order, whether a call of the Senate on Mr. Potter's motion was in order.

Pending these questions, on motion of Mr. Quinan, the Senate adjourned until 10 o'clock, A. M., to-morrow.

WEDNESDAY, January 11th, 1860.

Senate met pursuant to adjournment. Prayer by the Rev. Mr. Baker—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Stockdale presented the petition of Sylvanus Dunham for land. Referred to the committee on the Court of Claims.

Mr. Lott presented the petition of Wm. K. Elliott for relief. Referred to the committee on Claims and Accounts.

A message was received from the House informing the Senate, that the House had passed the following bills :

A bill for the relief of H. C. Davis.

A bill to extend the provisions of an act to provide for the incorporation of towns and cities, to the towns of Jasper in Jasper county, Danville in Montgomery county and Mt. Enterprise in Rusk county.

A bill to amend an act to incorporate the Paris Female Institute.

A bill requiring the Treasurer of the State to refund to Blas Uribe, and others, certain monies erroneously collected of them.

And a bill to authorize and require the clerk of the district court of Cherokee county, to apportion the causes on the docket of said court, with an amendment.

Mr. Gentry presented the petition of 169 citizens of the counties of Harris, Montgomery and Grimes, praying for the new county of Hockley, and establishment of a county seat. Referred to the committee on County Boundaries.

Mr. Stockdale presented the petition of sundry citizens of Cass county in reference to the Arkansas, Louisiana and Texas Navigation Company. Referred to the committee on Internal Improvements.

Mr. Townes, from the committee on Enrolled Bills, made the following report :

The committee on Enrolled Bills, respectfully report that they have examined the following bills, to-wit :

A bill to amend an act to incorporate the Indianola Railroad